



# PUBLIC NOTICE

## REGIONAL GENERAL PERMIT FOR ROUTINE MAINTENANCE ACTIVITIES IN CITY OF SANTA MARIA DRAINAGE FACILITIES

### **LOS ANGELES DISTRICT**

**Public Notice/Application No.:** SPL-2009-00434-CLH

**Comment Period:** July 1, 2009 through July 30, 2009

**Project Manager:** Crystal L.M. Huerta; (805) 585-2143; crystal.huerta@usace.army.mil

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#### **Applicant**

Shannon Sweeney  
City of Santa Maria  
2065 East Main Street  
Santa Maria, California 93458

#### **Agent**

David Wolff  
Sage Institute, Inc.  
2801 Towngate Road, Suite 213  
Westlake Village, CA 91361

#### **Location**

The proposed project is located in various waters of the United States throughout the city of Santa Maria, Santa Barbara County, California.

#### **Activity**

The proposed regional general permit would authorize routine maintenance activities that would include: vegetation management and weed control (both mechanical and chemical methods); clearing vegetation for maintaining design conveyance and capacity for storm flows around inlets and outlets; clearing, dredging, excavating accumulated soil and sediment in basins, ditches, and around structures to maintain design conveyance and capacity for storm water flows; grading and contouring existing ditches and basins to maintain design conveyance and capacity for storm water flows; maintenance, repair, modification, and replacement of inlet and outlet structures, culverts, storm water pipes, cross gutters, and/or other facilities as needed; vector control and management including, but not limited to BTi and liquid garlic products; debris removal from basins, ditches, and around inlets and outlets; installation of dry wells and infiltration structures within appropriate collection basins to increase infiltration, landscaping with non-native plants in urban and recreational park settings; native plant installation for the creation of forebays and vegetated basins (riparian and emergent vegetation) for water quality benefits and habitat enhancement where feasible to maintain conveyance and capacity of facilities. For more information see page 3 of this notice.

Discharges of fill for new construction in waters of the U.S., beyond established maintenance limits, or that would adversely affect threatened or endangered species or result in destruction or adverse modification of critical habitat, or adversely affect cultural resources, and activities taken in response to emergencies are not considered routine maintenance, and would not be covered under this RGP; these actions may be authorized under other permit authorities.

For more information see page 3 of this notice.

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Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S. C. 403) and Section 404 of the Clean Water Act of 1972 (33 U.S.C. 1344). Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District  
Regulatory Division-Ventura Field Office  
Attention: CESPL-RG-N-2008-00434-CLH  
2151 Alessandro Drive, Suite 110  
Ventura, California 93001

Alternatively, comments can be sent electronically to: [crystal.huerta@usace.army.mil](mailto:crystal.huerta@usace.army.mil)

### **Evaluation Factors**

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

### **Preliminary Review of Selected Factors**

**EIS Determination**- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

**Water Quality**- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality

certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency. Water quality certification may be issued either on a case-by-case basis or for the entire regional general permit. By issuance of this Public Notice, we are requesting a formal response from the CSWRCB, EPA, and affected Tribes regarding this request.

**Coastal Zone Management-** The applicant has certified that the proposed activity complies with and will be conducted in a manner that is consistent with the approved State Coastal Zone Management Program. The District Engineer hereby requests the California Coastal Commission's concurrence or nonconcurrence.

**Cultural Resources-** the District Engineer will consult the latest version of the National Register of Historic Places. It is not anticipated that cultural resources will be found in the proposed drainage facilities due to the dynamic nature of the channel substratum and past construction and maintenance activities.

**Endangered Species-** Preliminary determinations indicate that the proposed activity may affect the California red-legged frog (*Rana aurora draytonii*) as well as critical habitat proposed for the red-legged frog. Therefore, formal consultation pursuant to Section 7 of the Endangered Species Act will be initiated with the United States Fish and Wildlife Service.

**Public Hearing-** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

#### **Proposed Activity for Which a Permit is Required**

**Basic Project Purpose-** The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The basic project purpose for the proposed project is flood control, which is considered a water dependent activity.

**Overall Project Purpose-** The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose for the proposed project is to provide an efficient process for review and approval of routine flood control maintenance activities in various waters of the United States in the city of Santa Maria, Santa Barbara County.

A regional general permit (RGP) is proposed for routine flood control maintenance activities that result in discharge of dredged or fill material into waters of the United States such as rivers, streams, creeks, and earthen ditches conveying natural flow except as specified below. Maintenance Activities in the following drainages are proposed to be included in this authorization of this RGP:

- Sonya Drainage Ditch: Modify outlet, recontour, vegetation and debris removal at City outfall and ditch;
- Sonya/Cherrywood basin: vegetation management, sediment removal, recontouring;
- Jill street surface drainage ditch: Vegetation clearing and debris/sediment removal;
- Battles road surface drainage ditch: Vegetation clearing and debris/sediment removal;

- Inger drive park basin: sediment and debris removal;
- Pacific Crest basin: Vegetation clearing and debris/sediment removal;
- Jones ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Bradley drainage ditch: Inlet culvert debris removal, repair, and/or replacement;
- Battles ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Cooley Lane drainage ditch: Vegetation management, sediment and debris removal;
- Stowell drainage ditch: Vegetation clearing and debris/sediment removal, recontouring;
- La Brea drainage ditch: Vegetation clearing and debris/sediment removal, recontouring;
- Santa Maria River drainage ditch and outfall vegetation management and debris/sediment Removal;
- Foster/Blosser culvert maintenance: Debris removal;
- General detention basin soil aeration, removal of aeration soil pugs, sod replacement, seeding (mostly in conjunctive multi-use turf recreation field context).

### **Additional Project Information**

The City of Santa Maria Utilities Department is requesting establishment of a RGP for Drainage Facility Maintenance. The purpose and need of the proposed project is to maintain the functional and effective storm water management and flood control facilities within the City for protection of public health and safety as well as treatment, storage, and discharge of storm water. The City is required by the adopted 2009 Storm Water Management Plan to operate and maintain drainage facilities within the City to manage storm water runoff from sources in the City and convey flows through City facilities that are generated from unincorporated lands of Santa Barbara County surrounding the City.

### **Proposed Special Conditions**

2. An Annual Maintenance Report shall be submitted to the Corps by May 1 of each year that will include; a description of the work to be performed, an explanation of the need for the proposed maintenance work, results of surveys for sensitive biological resources, a description of impacts to biological resources likely to result from the proposed work, a description of the proposed mitigation measures designed to reduce impacts, and proposed restoration measures to address unavoidable impacts.
3. The Permittee shall obtain Section 401 certification, or waiver thereof, from the Regional Water Quality Control Board for each project to be covered under this regional general permit. Certification or waiver may be granted on a programmatic or case-by-case basis.
4. The Permittee must obtain concurrence or waiver from the California Coastal Commission for each project within the coastal zone to be covered by the regional general permit to demonstrate consistency with the State's Coastal Zone Management Plan. Concurrence or waiver may be granted on a programmatic case-by-case basis.
5. Whenever possible, work areas shall be staked, flagged, or fenced to limit construction impacts outside of the work area.
6. The Permittee shall submit a pre-project biological survey for each project site to be covered by the regional general permit. The biological survey shall identify the habitat types present at the work site, as well as any sensitive plant or animal species present or thought to be present. These surveys must be conducted between April and July and their results must be submitted with an Annual Routine Maintenance Report.
7. If any federally endangered or threatened species, or species proposed for listing as endangered or threatened, are identified in the pre-project biological survey or are known to utilize a project site, the Permittee shall notify the Corps and fully comply

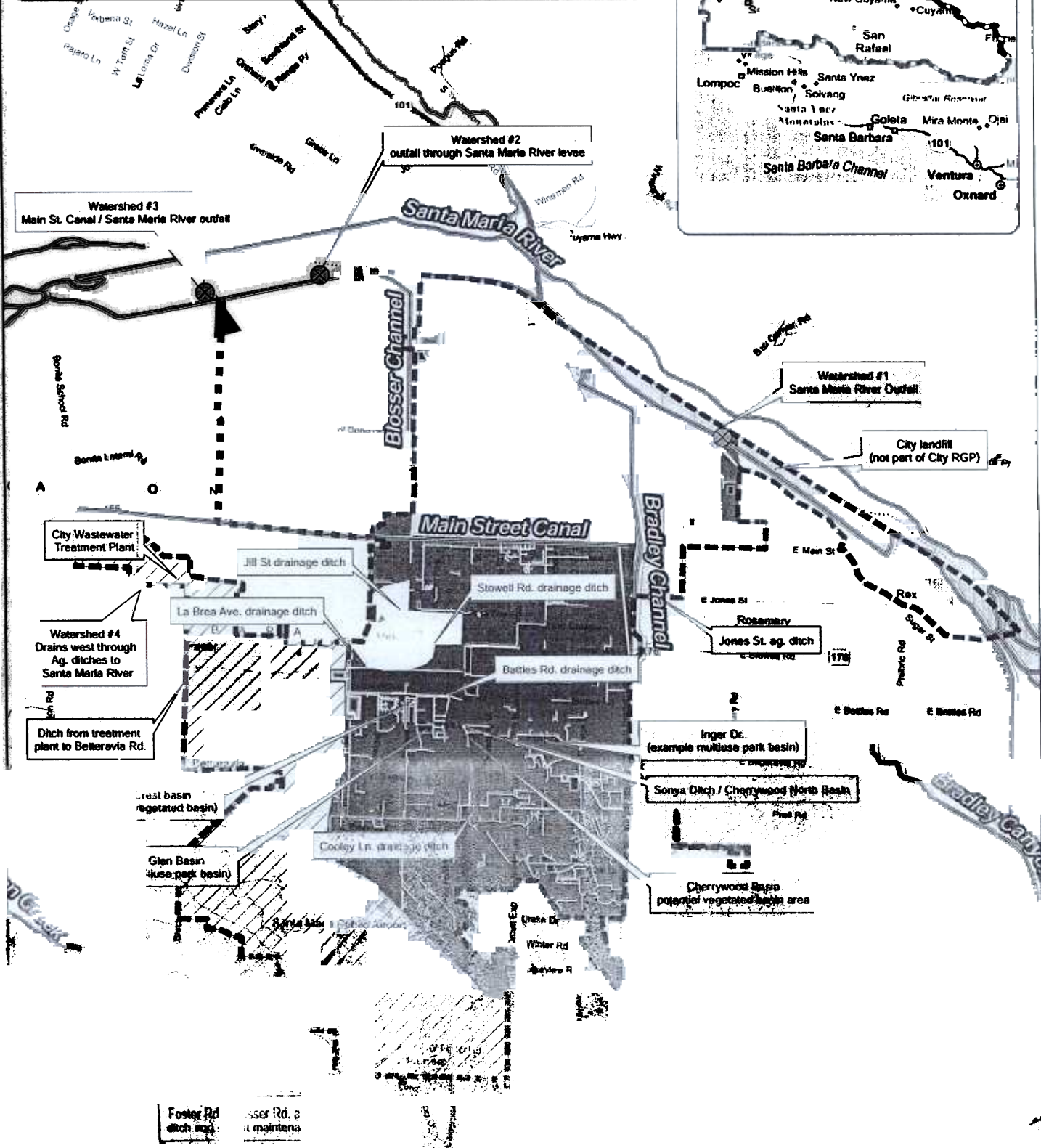
- with any conditions that result from either formal or informal Section 7 consultation under the Endangered Species Act.
7. The Permittee shall implement all mitigation measures identified for each project in the Annual Routine Maintenance Report.
  8. Where a project involves manipulation of a stream bank, the Permittee shall conduct a Phase I cultural resources survey. If cultural resources are identified within the project area in the Phase I survey, or may be affected by activities in the project area, the project shall not be authorized under this regional general permit.
  9. If any previously unknown cultural resources are discovered during work, all work shall be halted and the Permittee shall not continue until the Corps is in compliance with Section 106 of the National Historic Preservation Act and has provided the Permittee written notification to proceed.
  10. The Permittee shall notify the Corps of its intent to utilize the regional general permit. Notification must be in writing, reference the regional general permit file number, and include at minimum the following information
    - a. Location of the work;
    - b. Description of the work, current site conditions, and approximate area (in acres) of waters of the U.S, including wetland waters, to be modified as a result of the work;
    - c. Site map indicating waters and/or wetlands to be impacted and photographs of the work area;
    - d. Approximate start and end dates of work;
    - e. Copy of the pre-project biological survey;
    - f. Copies of letters sent to the Central Coast Regional Water Quality Control Board and California Coastal Commission requesting Section 401 water quality certification/waiver and CZMA consistency determination, as appropriate.
  11. No project authorized by this regional general permit shall significantly disrupt the movement of aquatic species indigenous to the waterway, including migrating species.
  12. Upon request by the Permittee and approval by the Corps, additional waterways may be added to the list of creeks to be maintained through this regional general permit after notice to applicable regulatory agencies and consideration of their comments.
  13. Heavy equipment working in wetlands must be placed on mats, or other measures must be taken to minimize soil disturbance.
  14. No discharges shall occur in the proximity of a public water supply intake except where the discharge is for the repair of adjacent bank stabilization.
  15. No discharge of fill material may consist of unsuitable material (e.g., trash, debris, car bodies, etc.) and material discharged must be free of pollutants in toxic amounts (see Section 307 of the Clean Water Act).
  16. Discharges of fill material must be avoided and minimized to the maximum extent practicable.
  17. No discharges shall occur in spawning areas during spawning seasons.
  18. To the maximum extent practicable, discharges must not be permanently restrict or impede the passage of normal or expected high flows or cause relocation of water.
  19. Authorization under this regional general permit does not obviate the need to obtain other Federal, State or local authorizations, nor does it grant any property rights or exclusive privileges or injury to the property or rights of others.

20. Additional project-specific special conditions may be added to each individual approval as necessary to minimize individual and cumulative impacts to aquatic resources.
21. The District Engineer reserves the right to invoke discretionary authority to require processing of a standard individual permit on a case-by-case basis as defined in 33 CFR Part 330.4(e).

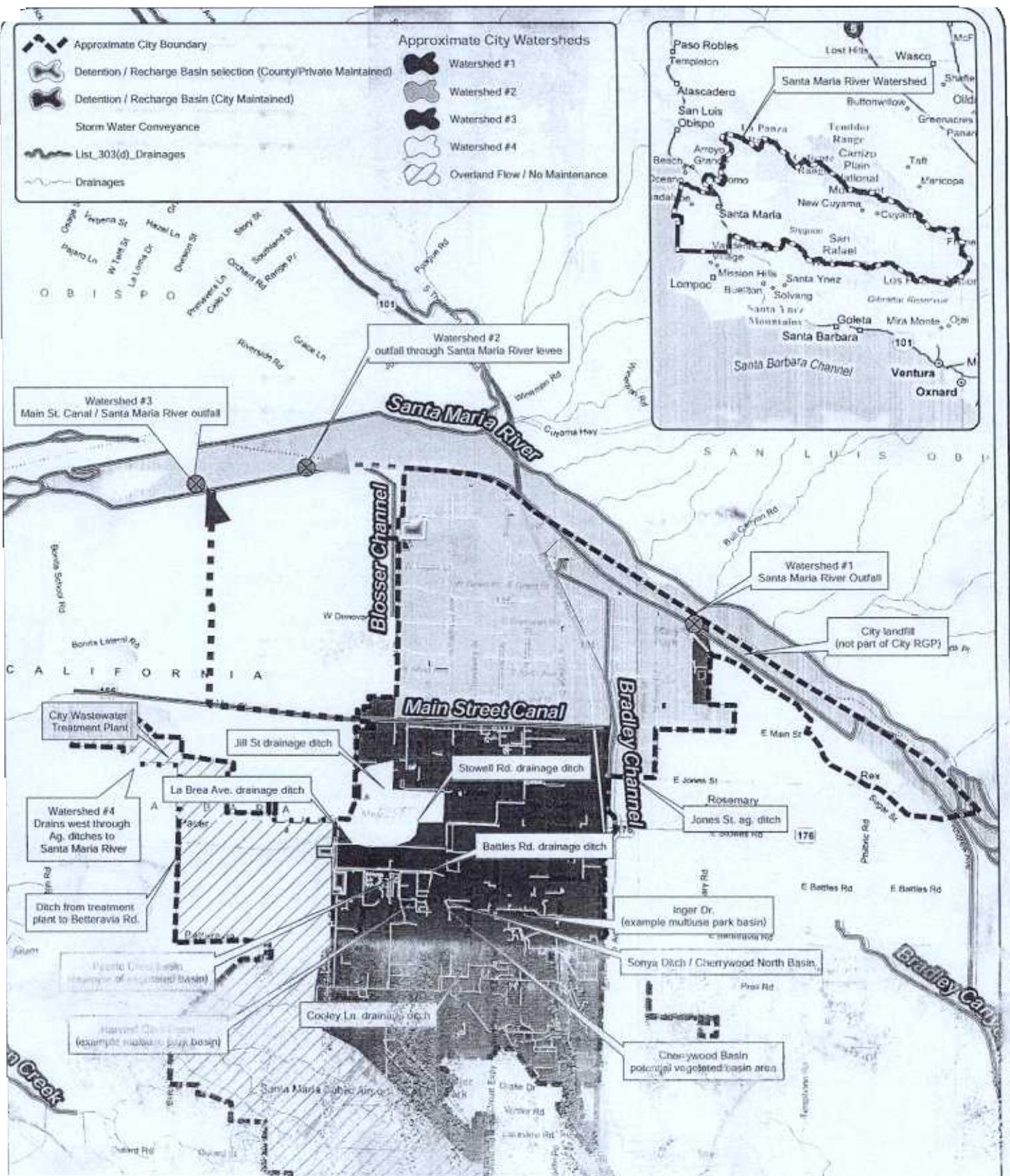
This regional general permit may be rescinded if the Permittee does not meet its terms and conditions. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

For additional information please contact Crystal L.M. Huerta of my staff at (805) 585-2143 or via e-mail at [crystal.huerta@usace.army.mil](mailto:crystal.huerta@usace.army.mil). This public notice is issued by the Chief, Regulatory Division.

	Approximate City Boundary		Watershed #1
	Detention / Recharge Basin selection (County/Private Maintained)		Watershed #2
	Detention / Recharge Basin (City Maintained)		Watershed #3
	Storm Water Conveyance		Watershed #4
	List_303(d)_Drainages		Overland Flow / No Maintenance
	Drainages		







Foster Rd. / B  
ditch and culv